

TITLE 43. PROFESSIONS AND BUSINESSES  
CHAPTER 27. LONG-TERM CARE FACILITY ADMINISTRATORS

**§ 43-27-1. Definitions**

As used in this chapter, the term:

- (1) "Administrator" means a person who operates, manages, supervises, or is in charge of a long-term care facility.
- (2) "Assisted living community" means a facility licensed pursuant to Code Section 31-7-12.2.
- (3) "Assisted living community administrator" means a person who operates, manages, supervises, or is in charge of an assisted living community.
- (4) "Board" means the State Board of Long-Term Care Facility Administrators.
- (5) "Long-term care facility" means a personal care home, an assisted living community, or a nursing home.
- (6) "Nursing home" has the same meaning as prescribed by the Department of Community Health in the rules and regulations for nursing homes.
- (7) "Nursing home administrator" means a person who operates, manages, supervises or is in charge of a nursing home.
- (8) "Personal care home" means a facility licensed pursuant to Code Section 31-7-12 which has 25 or more beds.
- (9) "Personal care home administrator" means a person who operates, manages, supervises, or is in charge of a personal care home.

**History:** Ga. L. 1968, p. 1143, § 1; Ga. L. 1970, p. 573, § 1; Ga. L. 1986, p. 846, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2020, p. 95, § 9/HB 987.

**§ 43-27-2. Creation of board; members**

(a) There is created the State Board of Long-Term Care Facility Administrators, which, on and after June 30, 2020, shall consist of nine members. The members of the board shall be appointed by the Governor and confirmed by the Senate, as follows:

- (1) Three members who are nursing home administrators in this state, at least one of whom shall represent nonproprietary nursing homes;
- (2) Three members each of whom are either a personal care home administrator or an assisted living community administrator; provided, however, that on and after July 1, 2021, all successor members appointed pursuant to this paragraph shall be either a licensed personal care home administrator or a licensed assisted living community administrator;
- (3) Two members of the public at large who are not personal care home administrators, assisted living community administrators, or nursing home administrators or pecuniarily interested in any personal care home, assisted living community, or nursing home, or have any connection with the personal care home, assisted living community, or nursing home industry whatsoever; and

(4) One member who is a health care professional with at least a bachelor's degree, experience in elder care, and knowledge in dementia care and who is not a personal care home administrator, an assisted living community administrator, or a nursing home administrator or pecuniarily interested in any personal care home, assisted living community, or nursing home, or has any connection with the personal care home, assisted living community, or nursing home industry whatsoever; and

(b) The term for all members shall be three years from the date of appointment. A member may be removed as provided in Code Section 43-1-17, including removal for failing to attend three meetings in one calendar year. All vacancies shall be filled by the Governor for the unexpired terms in accordance with the requirements for appointment to the vacant position.

**History:** Ga. L. 1968, p. 1143, § 6; Ga. L. 1969, p. 744, § 1; Ga. L. 1970, p. 573, § 1; Ga. L. 1976, p. 1184, §§ 2, 3; Ga. L. 1979, p. 385, § 1; Ga. L. 1980, p. 536, § 2; Ga. L. 1986, p. 846, § 2; Ga. L. 1992, p. 2770, § 1; Ga. L. 1999, p. 296, § 24; Ga. L. 2009, p. 453, §§ 1-6, 1-47/HB 228; Ga. L. 2020, p. 95, § 9/HB 987.

### **§ 43-27-3. Election of officers; rules and regulations; reimbursement of members; division director as secretary of board**

The board shall elect a chairman and vice-chairman from its membership and such other officers as it shall deem necessary and shall adopt rules and regulations to govern its proceedings. Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2. The division director shall be the executive secretary of the board.

**History:** Ga. L. 1968, p. 1143, § 6; Ga. L. 1969, p. 744, § 3; Ga. L. 1980, p. 536, § 4; Ga. L. 2000, p. 1706, § 19; Ga. L. 2020, p. 95, § 9/HB 987.

### **§ 43-27-4. Board's authority to determine qualifications of administrators**

The board shall have sole and exclusive authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a personal care home, an assisted living community, or a nursing home under this chapter; and the holder of a license under this chapter shall be deemed qualified to serve as the administrator of such personal care home, assisted living community, or nursing home, as applicable.

**History:** Ga. L. 1968, p. 1143, § 7; Ga. L. 1986, p. 846, § 3; Ga. L. 2020, p. 95, § 9/HB 987.

### **§ 43-27-5. General powers and duties of board; limitations**

(a) The board shall have the following powers and duties:

- (1) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure;
  - (2) To deny, suspend, revoke, or otherwise sanction licenses to practice as an administrator;
  - (3) To initiate investigations for the purpose of discovering violations of this chapter;
  - (4) To initiate investigations for the purpose of discovering violations by an administrator of the rules, regulations, or statutes of the Department of Community Health or the Department of Human Services, provided that the board shall investigate those violations only after revocation, limitation, or restriction of participation of the long-term care facility of which such individual is the administrator in the medical assistance program, if applicable, or the license issued by the Department of Community Health and make written findings as to the causes of the alleged violations;
  - (5) To conduct hearings upon charges into alleged violations of this chapter;
  - (6) To prepare or approve all examinations for licensure as an administrator;
  - (7) To develop, impose, and enforce standards which must be met by individuals in order to receive or maintain a license as a personal care home administrator, as an assisted living community administrator, and as a nursing home administrator;
  - (8) To conduct a continuing study and investigation of long-term care facilities and administrators of such long-term care facilities within the state for the purpose of improving the standards imposed for the licensing of such administrators; and
  - (9) To adopt such rules and regulations as shall be reasonably necessary for the implementation and enforcement of this chapter. The board shall have the authority to establish, provide, or approve various education programs or courses for personal care home administrators, for assisted living community administrators, and for nursing home administrators and to prescribe rules and regulations requiring applicants for licenses as administrators to attend such programs or courses as a prerequisite to their being admitted to the examination or issued a license and requiring licensed administrators to attend such programs or courses as a prerequisite to their being issued any license renewal.
- (b) Nothing in this chapter or in the rules and regulations adopted under this chapter shall be construed to require an applicant for a license as an administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

**History:** Ga. L. 1968, p. 1143, § 8; Ga. L. 1970, p. 573, § 5; Ga. L. 1973, p. 284, § 1; Ga. L. 1986, p. 846, § 4; Ga. L. 1999, p. 296, § 24; Ga. L. 2009, p. 453, § 1-48/HB 228; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-6. License requirement for administrators; qualifications**

(a)

- (1) Prior to July 1, 2021, no person shall serve as a nursing home administrator until first obtaining a license from the board.
  - (2) On and after July 1, 2021, no person shall serve as an administrator of a long-term care facility until first obtaining a license from the board; provided, however, that an individual hired as an administrator of a long-term care facility shall have 60 days from the date of hire to obtain such licensure.
- (b) The board shall issue licenses as administrators only to persons who:
- (1) Are at least 21 years of age;
  - (2) Are of reputable and responsible character;
  - (3) Meet the standards and the criteria established by the board to evidence the applicant's qualifications by training and experience to operate a personal care home, an assisted living community, or a nursing home, provided that two years of experience working in a personal care home, an assisted living community, or a nursing home shall be equivalent to one year of any academic education and training requirements established by the board; and such experience may be substituted without limitation for such education and training requirements; and
  - (4) Satisfactorily pass a written or oral examination, or both, approved by the board to determine the applicable qualifications of the applicant to operate a personal care home, an assisted living community, or a nursing home.

**History:** Ga. L. 1968, p. 1143, § 3; Ga. L. 1970, p. 573, § 3; Ga. L. 1980, p. 536, § 2; Ga. L. 1986, p. 846, § 5; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-7. Reciprocity; provisional license.**

- (a) The board, in its discretion and otherwise subject to this chapter and the rules and regulations of the board promulgated under this chapter prescribing the qualifications for a personal care home administrator license, an assisted living community administrator license, and a nursing home administrator license, may issue a license to a personal care home administrator, an assisted living community administrator, or a nursing home administrator who has been issued a license by the proper authorities of any state or issued a certificate of qualification by any national organization, upon payment of a fee to be fixed by the board and upon submission of evidence satisfactory to the board that such other state or national organization maintains a system and standard of qualifications and examinations for a personal care home administrator license, an assisted living community administrator license, or a nursing home administrator license or certificate which is substantially equivalent to those required in this state.
- (b) An applicant for licensure who meets the qualifications of subsection (a) of this Code section may be issued a provisional license by the board to practice as a personal care home administrator, assisted living community administrator, or nursing home administrator which shall be valid until the results of any examination required by the board and for which the applicant is scheduled to take are released. An applicant who has been issued a provisional license will be scheduled by the board to take the first available examination. If the applicant passes the examination, the

provisional license shall be valid until the permanent license is issued. If the applicant fails to appear for the examination or if the applicant fails the examination, the provisional license shall become invalid immediately. The board may authorize the issuance of a second provisional license only to an applicant who provides just cause to the board as to why the applicant was unable to appear for the examination.

**History:** Ga. L. 1973, p. 284, § 4; Ga. L. 1980, p. 536, § 6; Ga. L. 1986, p. 846, § 6; Ga. L. 1996, p. 1255, § 1; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-8. Biennial license fees and renewal; applicability to superintendent of state hospital or facility**

Each person licensed as an administrator shall be required to pay a biennial license fee in an amount to be fixed by the board. Such license shall expire on the renewal date established by the division director and shall be renewable for two years upon payment of the biennial license fee. No license fee shall be required of any superintendent of a state hospital or facility during such time as the superintendent is acting or serving in the capacity as a nursing home administrator in a state institution and as an employee of the state.

**History:** Ga. L. 1968, p. 1143, § 4; Ga. L. 1970, p. 573, § 4; Ga. L. 1980, p. 536, § 3; Ga. L. 2000, p. 1706, § 19; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-9. Restoration of suspended or revoked license**

The board may, for good cause shown and under such conditions as it may prescribe, restore a license to any person whose license has been suspended or revoked.

**History:** Ga. L. 1973, p. 284, § 3; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-10. Local fees**

No provision of this chapter shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any profession covered by this chapter or upon any related profession or anyone engaged in any related profession governed by this chapter.

**History:** Ga. L. 1968, p. 1143, § 11; Ga. L. 2020, p. 95, § 9/HB 987.

#### **§ 43-27-11. Penalty**

- (a) Any person who acts or serves in the capacity of a nursing home administrator without holding a license as a nursing home administrator issued in accordance with this chapter shall be guilty of a misdemeanor.
- (b) Any person who knowingly acts or serves in the capacity of a personal care home administrator or assisted living community administrator without holding an appropriate license as such, issued in accordance with this chapter, shall be guilty of a misdemeanor.
- (c) Any person not licensed under this chapter as a nursing home administrator who holds himself or herself out to be a licensed nursing home administrator or uses the initials N.H.A. after his or her name shall be guilty of a misdemeanor.

**History:** Ga. L. 1968, p. 1143, § 9; Ga. L. 1976, p. 1184, § 1; Ga. L. 2020, p. 95, § 9/HB 987.